

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26339 of 2019

ORDER:

This writ petition is filed for the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in purporting to appoint ad-hoc committee to the 9th petitioner by removing the elected body who were democratically elected in the elections held on 08.04.2019 as illegal, arbitrary, one without power and jurisdiction, violative of provisions of the Telangana Societies Registration Act, 2001 and violative of Article 14 of the Constitution of India.....”

It is the case of the petitioners that respondent No.1-Bar Council of Telangana had taken the following stand in paragraph No.12 of its counter-affidavit filed in O.P.No.18 of 2019 on the file of IX Additional District Judge at Sircilla:

“That respondent No.11 does not admit the averments in paras 9, 10,11, 12, 13, 14 and 15. Suffice it to say that after noticing the fact that the elections were not held in accordance with the process and the time frame stipulated in the Model Bye-laws, respondent No.11 is taking steps to appoint an Ad hoc Committee from the senior members of respondent No.10-Bar Association, Sircilla in exercise of the powers vested by Bye-law No.26 for the Model Bye-laws, which reads as follows:

“26. POWERS OF STATE BAR COUNCIL:

In case the Bar Association fails to conduct Election as stipulated in the Bye-laws, on the complaint received in writing from any member of such Association or on suo-motu, the Chairman of the State Bar Council shall appoint an Ad hoc Committee from senior members of the said Bar Association to manage the affairs of the Bar Association and to conduct the Election as per the schedule fixed by the Chairman and outgoing Body shall handover the charge to such Ad hoc Committee.”

Learned counsel for the petitioners by placing reliance on the Judgment of this Court in **G.Bala Subrahmanyam & Another vs. Bar**

Council of Andhra Pradesh¹, submits that interference by respondent No.1 in election disputes is impermissible and there is no scope for appointment of any *Ad hoc* Committee with respect to the election disputes.

On the other hand, learned counsel appearing for respondent No.1 submits that the writ petition is premature, as, the petitioners filed the same merely on account of the stand taken in the counter-affidavit filed in the aforesaid O.P.

This Court is in concurrence with the aforesaid submission of the learned counsel for respondent No.1. Validity or otherwise of a particular action can be judged only when that particular action is taken and in anticipation, injunctive relief cannot be granted in such matters.

In those circumstances, the writ petition is dismissed, as, no cause of action arises at this point of time, leaving it open to the petitioners to ventilate their grievance, as and when the cause of action arises.

Miscellaneous Petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:28.11.2019
kdl

¹ 2014 (1) ALT 264

